IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY THE TWENTY EIGHTH DAY OF OCTOBER, TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NOs : 5158, 5746, 6190, 6541, 6546, 7159, 7897, 13727, 19060 of 2003 and 1179 of 2004,

WRIT PETITION NO : 5158 of 2003

BETWEEN:

1. N.Laxmi, W/o Narasimha Rao, aged about

35 years, Contract Labour R/o.H.No.5-5-10/A,

Opp. Nawa Vikas Public School,

Vivekananda Colony, Kamareddy, Nizamabad Dist.

2. M.Trimurthulu, S/o.Raja Rao, aged about

years, Contract Labour, R/o.H.No.11-1-8/

17/1A/1, Panchayat Raj Colony, Kanteswar,

Nizamabad.

3. M.Ravinder Rao, S/o.Ramachander Rao, aged

about 30 years, Contract Labour, R/o.MIG

1-67, Housing Board Colony, Kamareddy,

Nizamabad District.

4. G.Sujatha, W/o.B.Srinivas, aged about 28

years, Contract Labour, R/o.Q.No.MIG-1-16

A.P.H.P. Colony, Kamareddy, Nizamabad Dist.

5. Vidya Sagar, S/o.Prabhakar, aged about 29 years

Contract Labour, R/o.H.No.13-105,

Madnoor, Nizamabad District.

6. Y.Gangadhar, S/o.Gangadhar, ageda bout 38 years,

Contract Labour, R/o.H.No.10-9-899/2/A, Durga Medical &

General Stores, Nagaram Road, Nizamabad.

7. R.Bala Raju, S/o.R.Lingaiah, aged about

28 years, Contract Labour, R/o.H.NO.11-1-8-365, A,

Chandra Sekhar Colony, Nizamabad.

8. G.Venkata Ramana, S/o.Devender, aged 29

years, Contract Labour, r/o.NGO's Colony

Kamareddy, Nizamabad District.

9. K.Venkata Swamy, S/o.Anandam, aged 33 years

Contract Labour, R/o.H.No.5-3-70/1 and 5-3-230

N.H.R. Opp. Thaduri Function Hall, Kamareddy,

Nizamabad District.

10. D.Tulsiram, S/o.Sivarajam, aged 37 years,

Contract Labour, R/o.H.NO.5-7-109/2,

S.R.N. Colony, Kamareddy, Nizamabad District.

11. K.Madhavai, D/o.Bujanga Rao, aged 28 years,

Contract Labour, R/o.Raythu Nagaram,

Bodhan Mandal, Nizamabad District.

12. M.Sreedevi, D/o.M.Padma Rao, aged 25 years,

Contract Labour, R/o.HIG-II/122,

New Housing Board, Vinayaknagar Colony,

Nizamabad.

...PETITIONERS

AND

1. The Chief General Manager, (HRD),
Northern Power Distribution Company
A.P. Ltd., Warangal
2. The Superintending Engineer, Operation

Northern Power Distribution,

Company of A.P. Ltd., Nizamabad
3. The Chairman & Managing Director, Northern

Power Distribution Company of A.P., Limited

Warangal.

4. The Chairman and Managing Director,

Transco, Vidyutsoudha, Hyderabad.

...RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or Direction, particularly one in the nature of Certiorari calling for the records relating to the Notification dated 12.3.2003 issued by the Chief General Manager (HRD), A.P. Northern Power Distribution Company Limited, Warangal declaring that there are no successful candidates for appointment in the 50% left over vacancies earmarked for Ex.casual labours/village electricity workers/contract labours and quash the same and hold that the petitioners are entitled to be given appointment as LDCs/Typists on the basis of their merit and ranking

in pursuance kof the process of selection as per notification in terms of B.P.Ms.No.36, dated 18.5.1997 read with TOO Ms.No.137, dated 7.7.2000 on the basis of principles of law laid down by the Hon'ble High Court in W.P.No.17163 of 2002 and batch, dated 24.12.2002.

Counsel for the Petitioner: MR. D. LINGA RAO

Counsel for the Respondents: MR.S.RAVINDRANATH, SC FOR AP TRANSCO

W.P. NO. 5746 OF 2003

BETWEEN:

1. G.Srinivas s/o Venkataiah

aged 35 years r/o H.No.MIG-II/130,

APHB New Colony, Vinayak Nagar

Nizamabad.

2. A.Venkatesham s/o Vittal aged about 38

years, R/o H.No.LIG 43/44,APHB New Colony,

Vinayaknagar, Hyderabad.

3. A.Srinivas s/o Bhoomaiah,age 33 years,

r/o H.No.9-6-161, Gajulapet, Nizamabad.

4. S.Venkat Ramesh s/o Narayana,

a/a 35 years, r/o H.No. 3-62,post:Govindpet,

Armoor Mangal, Nizamabad Dist.

5. D.Rajashekar s/o Rajeshwar, a/o 33 years,

r/o H.No. 9-5-478, Gajulapet,Nizamabad.

6. Murali Prasad s/o Kantaiah, a/a 35 years,

r/o H.No.10-8-23, Gajulapet, Boigally, Nizamabad.

7. Khusheed Ahmed Khan, s/o AssadullahKhan, a/a 33 years,

r/o H.No. 7-11-232, Khoja Colony, Nizamabad.

8. Sirajuddin s/o late Pasha Mohiuddin a/a 36 years,

R/o H.No. 1-13-362, Vinayaknagar, Behind Vandana Super

Market, Nizamabad.

9. B.Venu Gopal s/o Narsaiah, a/a 36 years,

r/o H.No. 2-5-6, Opp.Laxmiraj complex, Jawahar Road,

Nizamabad.

10. M.Narayana Reddy s/o Ram Redd, a/a 35 years,

r/o H.No. 1-51/11, Bank Colony, Hyderabad Road,

Nizamabad.

11. B.Madhu s/o B.Laxman, a/a 29 years,

r/o H.No. 1-1-84/11E, Padma Nagar, Road No.3,

Varni Road, Nizamabad.

12. P.Sukajeevana Chary, s/o Brahmanandam,

a/o 30 years, r/o H.No. 1-6-53,, Armoor, Nizamabad Dist.

13. P.Venkat Ramana s/o P.Pandit, a/a 27 years,

r/o H.No. 3-8-352, Chandranagar,Nizamabad.

14. P.Anil Kumar s/o Ramesh, a/a 32 years,

r/o H.No. 1-13-1912/2, c/o Subba Rao, Mahalakshminagar,

Hyderabad Road,Nizamabad.

15. T.Narsimhachary s/o Ramasimhan,

a/a 29 years, r/o H.No. H.No. MIG Q.No.191, Housing

Board Colony, Armoor, Nizamabad District.

16. S.R.Venkata Ramana, s/o Lasmipathi,

a/a 35 years, R/o H.No. 3-10-73/13,

Swamivivekananda nagar, Nizamabad.

17. B.Srinivas s/o Laxminarayana, a/a 33 years,

r/o H.No. 2-5/1, Jangam Pally, Nizamabad Dist.

18. B.Indra Karan Reddy s/o Raja Reddy, a/a 30 years,

R/o H.No. 5-5-220, Vivekananda Colony, Kamareddy,

Nizamabad.

19. M.Satyajeeth Ram s/o M.Gangaram, a/a 31 years,

r/o H.No. 1-3-45, Jandagally, Nizamabad.

20. D.Shekar s/o D.Kishan, a/a 32 years,

R/o H.No. 1-11-50, Phulong Street, Nizamabad.

21. S.Madhu s/o S.Prasad, a/a 29 years, R/o H.No.

308-2, Kotagally, Nizamabad District.

22. M.Rajender Goud s/o Vittal Goud, a/a 44 years,

R/o H.No. 6-10-1000/10, Near Ramson's School,

Hamalwadi, Nizamabad.

23. Pala Venugopal Reddy s/o Raj Ganga Reddy, a/a 31 years,

R/o H.No. 1-1-1/2A/1, Near 4th police station(Old)

Vinayakanagar,Nizamabad.

24. V.Pradeep Rao, s/o Ramakantha Rao, a/a 36 years,

R/o Nizamabad.

25. G.L.Raju s/o Sangaiah, a/a 29 years,

R/o Kamareddy, Nizamabad District.

26. Sudhakar s/o Narsaiah, a/a 33 years,

R/o H.No. 1-5-63/1, Siricilla Road,

Nizamabad District.

27. G.Ram Reddy s/o Venkat Reddy, a/a 35 years,

R/o Ashok nagar colony, Kmareddy, Nizamabad Dist.

.. PETITIONERS

AND

1. The Chairman and Managing Director,

Northern Power DistributionCo.Ltd.

Khairatabad, Hyderabad.

2. The Chief GeneralManager, HRD,Northern Power

Distribution Co.Ltd, Warangal.

3. The Superintending Engineer, Operation Circle, Nizamabad.

.. RESPONDENTS

Petition under Article 226 of Constitution of India praying that in the circumstances stated in the affidavit filed herein the Hon'ble High Court may be pleased to issue a writ or order or direction especially one in the nature of Mandamus directing the respondents to take cognizance of the genuineness of petitioner service certificates for the appointment for the interview conducted on 30.11.2002 pursuant to BPMS NO. 36, dated 18.5.1997 by declaring the action of the respondent in rejecting the petitioners cases saying that the results of the interviews held on 30.11.2002 are nil (in paper notification dated 12.3.2003) as improper, illegal, and arbitrary and consequently direct the respondents to consider the petitioners cases for the appointments for the post of LDC/Typist or any other equivalent posts.

Counsel for the Petitioner: Ms A.Pankaja

Counsel for the Respondents: Mr S.Ravindernath (SC for AP

Transco)

WRIT PETITION NO : 6190 of 2003

Between:

1. M.Srinivas, S/o Bikshapathy,

aged about 28 years, Occ: Ex-contract Labour,

R/o 11-1-36/12, Vidyut Nagar, Nizamabad.

2. B.Kailas, S/o Rajaram,

aged about 31 years, Occ: Ex-contract Labour

R/o.452, Tallapur PO,

Morthadu Mandal, Nizamabad District.

3. G.Limbadri,S/o. G.Narsimlu,

aged about 27 years, Occ:Ex-contract Labour,

r/o.9-4-147, Gajulpet, Nizamabad-503001.

4. Md.Fiazuddin, S/o Azeem,

aged about 29 years, Occ: Ex-contract Labour,

R/o.9-9-131, Mustaid Pura, Nizamabad.

5. T.Ajay Kumar, S/o T.Ganga Pochaiah,

aged about 26 years, Occ:Ex-contract Labour,

R/o.9-5-144, Gajulpet, Nizamabad-503001.

6. G.Srinivas, S/o.G.R.Narsaiah,

aged about 34 years, Occ:Ex-contract Labour,

R/o.5-11-25, P&T Colony, Yellammagutta,

Nizamabad.

7. Jaya Singh, S/o. Eshwar,

aged about 35 years, Occ:Ex-contract Labour,

R/o.6-1-60, New Bank Colony,

Kanteshwar, Nizamabad-2.

8. Ch.Vilas, S/o.Narayana,

aged about 29 years, Occ:Ex-contract Labour,

R/o 11-1-51, Kanteshwar, Nizamabad-2

9. G.Karnaiah, S/o G.Chinnaiah,

aged about 35 years, Occ:Ex-contract Labour,

R/o 6-21-90, Gurubabadi Dubba,

Nizamabad-503 002.

10.T.Nagabhushanam, S/o Yellaiah,

aged about 41 years, Occ:Ex-contract Labour,

R/o.c/o.Sri Vani Xerox & Book Stall,

3-10-154, Shivaji Nagar, Nizamabad.

11. G.Ramesh,

S/o.Basavaiah, aged about 39 years,

Occ: Ex-contract Labour,

R/o.10-10-940, Gajulpet,

Nizamabad-503 001.

AND

1. Northern Power Distribution Company
A.P. Ltd., rep. By its Chief General Manager, (HRD)
Warangal
2. The Superintending Engineer, (Operation Circle)

Northern Power Distribution,

Company of A.P. Ltd., Nizamabad
…RESPONDETNS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or Direction, particularly one in the nature of Writ of Mandamus, declaring that the Notification of results issued by the 1st respondent published on 12-03-2003 in the newspaper that the petitioner is not successful candidate as illegal, unjust, contrary to law, arbitrary, in violation of principles of natural justice, amounts to unfair labour practice and violative of Articles 14,16 and 21 of the Constitution of India; and grant all consequential benefits by holding that the petitioner is entitled for appointment to the post of Lower Division Clerk/ Typist.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondents: MR.S.RAVINDRANATH, S.C. for A.P. TRANSCO

WRIT PETITION NO : 6541 of 2003

Between:

1. T.Govind Reddy s/o Ram Reddy
   R/o Chinna Kodapgal Village., Pitlam Mandal.,
   Nizamabad district.
2. Y.Linga Reddy s/o Ganga Reddy
   R/o Chinna Kodapgal Village., Pitlam mandal.,
   Nizamabad District.
3. S.Jeevan Reddy s/o Ganga Reddy
   R/o 11-1-60/103., Old Housing Board Colo Kanteshwar.,

Nizamabad.

.....PETITIONERS

AND

1. Chief General manager (HRD).,

Northern Power Distribution Co.Ltd.,
Warangal.
2. Superintending Engineer (Operation Circle

Northern Power Distribution Co.Ltd.,
Nizamabad.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction particularly one in the nature of Writ of mandamus declaring that the notification of results issued by the Ist respondent published on 12-3-2003 in the newspaper that the petitioners are not successful candidates as illegal, unjust, contrary to law, arbitrary, in violation of principles of natural justice, amounts to unfair labour practice and violative of Articles 14,16 and 21 of the Constitution of India; and grant all consequential benefits by holding that the petitioners are entitled for appointment to the post of Lower Division Clerk.

Counsel for the Petitioner : MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondents: Mr.S.Ravindranath, S.C. for APTRANSCO

WRIT PETITION NO : 6546 of 2003

Between:

1 B.Bhanu Prakash s/o Narasimloo
R/o H.No.1-11-89., Phoolong Street.,
Nizamabad.
2 M.Shylaja d/o Lingaiah
R/o H.No.1-11-89., Phoolong Street., Nizamabad.
3 G.Om Prakash s/o G.V.Narayana
R/o H.No.3-15-104., Raja Ram Nagar Colony.,
Armoor, Nizamabad District.
4 N.V.M.K.D.Ganesh s/o Apparao Sarma
R/o H.No.10-10-235., Gajalapet., Nizamabad District.
5 L.G.Ramesh Kumar s/o Gangaram
R/o H.No.5-4-34.,Saraswathinagar., Nizamabad District.
6 B.Gangadhar s/o Ganga Ram
R/o H.No.3-1-34/1., Karabgalli., Nizamabad.
7 V.Srinivas s/o V.Narsimulu

R/o H.No.1-1-1/2r.,Vinayaknagar., APHB Colony.,

Nizamabad District.

8 P.Srinivas s/o Venkataiah
R/o 1/13/59/6, Srinagar Colony., Vinayaknagar.,Nizamabad.

..... PETITIONERS

AND

1 The Chairman and Managing Director., Northern Power Distribution Company Ltd. Khairatabad.,Hyderabad.

2 The Chief General Manager.,HRD., Northern Power

Distribution Co.Ltd., Warangal.

3 The Superintending Engineer, Operation Circle., Nizamabad.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction especially one in the nature of mandamus directing the respondents to take cognizance of the genuineness of petitioners service certificates for the appointment for the interview conducted on 30-12-2002 pursuant to BP Ms. No.36 dated 18-5-97 by declaring the action of the respondent in rejecting the petitioners cases saying that the rules of the interviews held on 30-11-2002 are nil as improper, illegal and arbitrary and consequently direct the respondents to consider the petitioners cases for the appointments for the post of LDC-Typist or any other equivalent posts.

Counsel for the Petitioner:SMT.A.PANKAJA

Counsel for the Respondents: Mr. S.Ravindranath, S.C. for the APTRANSCO

WRIT PETITION NO : 7159 of 2003

Between:

G.Davender Rao, s/o Mohan Rao
r/o H.No.5-11-2/12, Postal Colony,

Yellamma Gutta, Nizamabad.

..... PETITIONER

AND

1. The Chairman and Managing Director, Northern Power

Distribution Co.Ltd., Khairatabad,
Hyderabad.
2. The Chief General Manager, HRD, Northern Power

Distribution Company Ltd., Warangal.
3. The Superintending Engineer, Operation Circle, Nizamabad.

..RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ order or direction especially one in the nature of mandamus directing the respondents to take cognizance of the genuineness of the petitioner certificates for the appointment for the interview conducted on 30-11-2002 pursuant to BPMS No.36, dated 18-5-1997 by declaring the action of the respondent in rejecting the petitioners cases saying that the results of the interviews held on 30-11-2002 are Nil in paper notification dt.12-3-2003 as improper, illegal and arbitrary and consequently direct the respondents to consider the petitioners case for the appointment for the post of LDC/Typist or any other equivalent posts.

Counsel for the Petitioner: SMT.A.PANKAJA

Counsel for the Respondents: Mr.S.Ravindranath, S.C. for APTRANSO

WRIT PETITION NO : 7897 of 2003

Between:

1. M.Srinivas, S/o.Rajaiah, aged about 29

years, Contract Labour, r/o.H.NO.4-3-121

Big Bazar, Kamareddy, Nizamabad District.'

2. K.Vijaya Kumar, S/o.Jaihind goud, aged 28

years, Contract Labour, R/o.H.NO.5-3-91/3-2

Vidyanagar Colony, Kamareddy, Nizamabad Dist.

3. Smt. V.Nagamani, W/o.K.Shashidhara Chary,

aged 27 years, Contract Labour, R/o.H.NO.

3-123, Post & Mdl. Nizamsagar, Nizamabad Dist.

..PETITIONERS

AND

1. The Chief General Manager, (HRD)

Northern Power Distribution Company
A.P. Ltd., Warangal
2. The Superintending Engineer, (Operation)

Northern Power Distribution,

Company of A.P. Ltd., Nizamabad
3. The Chairman & Managing Director, Northern

Power Distribution Company of A.P., Limited

Warangal.

4. The Chairman and Managing Director,

Transco, Vidyutsoudha, Hyderabad.

…RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction, particularly one in the nature of Writ of Mandamus, declaring that the Notification

dated 12.3.2003 issued by the Chief General Manager (HRD) A.P. Northern Power Distribution Company Limited, Warangal declaring that there are no successful for appointment in the 50% left over vacancies earmarked for4 ex-casual labours/village electricity workers/contract labours and quash and the same and hold that the petitioners are entitled to be given appointment as LDCs/Typists on the basis of their merit and ranking in pursuance of the selection as per notification in terms of B.P.Ms.No.36, dated 18.5.1997 read with T.O.O.Ms.No.137, dated 7.7.2000 as per the commitment before the Court.

Counsel for the Petitioner: MR.D. Balakishan Rao,

Counsel for the Respondents: MR.S.RAVINDRANATH, S.C. AP TRANSCO

WRIT PETITION NO : 13727 of 2003

Between:

G. Gangadhar S/o. G. Satyanarayana,
R/o. H.No.10-4-1329/5A, Seetharamnagar Colony,
Nizamabad, Nizamabad District

..... PETITIONER

AND

1. The Chief General Manager, (HRD)

Northern Power Distribution Company
A.P. Ltd., Warangal
2. The Chief Engineer (Operation) A.P. Transco, Nizamabad
3. The Superintending Engineer, (Operation)

Northern Power Distribution,

Company of A.P. Ltd., Nizamabad
4. The Asst. Divisional Engineer, T.R.E.(T.R.'s) Division,

A.P.S.E.B., Nizamabad

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more one in the nature of Writ of Mandamus, declaring the notification of result published by the 1st respondent in Eenadu Daily news paper dated 12-3-2003 pursuant to the interviews held on 30-11-2002 at Nizamabad for filling up the vacancies of L.D.C. / Typists from among the category of ex-casual labours, V.E.W. and contract labour in declaring that no candidate came out successfully in the interview as illegal, arbitrary and consequently direct the respondents to appoint the petitioner as L.D.C. /Typist forthwith.

Counsel for the Petitioner: MR.M.SUBBA REDDY

Counsel for the Respondents: S.Ravindranath, S.C. for APTRANSCO

WRIT PETITION NO : 19060 of 2003

Between:

T.Srinivas s/o Gangaram
R/o 12-4-52., Arsapally., Nizamabad District.

..... PETITIONER

AND

1 Northern Power Distribution Co.of AP Ltd., represented by its Chief General Manager (HRD)., Warangal.
2 The Superintending Engineer (Operation Circle)., Northern Power Distribution Company of AP Ltd., Nizamabad.

..RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or Direction, particularly one in the nature of Certiorari calling for the records relating to the Notification dated 12.3.2003 issued by the Chief General Manager (HRD), A.P. Northern Power Distribution Company Limited, Warangal declaring that there are no successful candidates for appointment in the 50% left over vacancies earmarked

for Ex.casual labours/village electricity workers/contract labours and quash the same and hold that the petitioners are entitled to be given appointment as LDCs/Typists on the basis of their merit and ranking in pursuance kof the process of selection as per notification in terms of B.P.Ms.No.36, dated 18.5.1997 read with TOO Ms.No.137, dated 7.7.2000 on the basis of principles of law laid down by the Hon'ble High Court in W.P.No.17163 of 2002 and batch, dated 24.12.2002.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondents: MR.S.RAVINDRANATH, SC for A.P. Transco

WRIT PETITION NO : 1179 of 2004

Between:

K. Parameshwar, W/o. Markandeya,
R/o. 1-11-11, Sandhya Theatre, X Roads, Nizamabad,
Nizamabad District.

..... PETITIONER

AND

1.Northern Power Distribution Company of A.P.Ltd., Rep. by its

Chief General Manager,(HRD),
Warangal-506 004.
2.The Superintending Engineer (Operation Circle),
Northern Power Distribution Company of A.P. Ltd.,

Nizamabad.

..RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to call for the records from the Respondents

and issue an appropriate Writ, Order or Direction, particularly one in the nature of Writ of Mandamus, declaring that the Notification of results issued by the 1st Respondent published on 12-03-2003 in the newspaper that the petitioner is not a successful candidates as illegal, unjust, contrary to law, arbitrary, in violation of principles of natural justice, amounts to unfair labour practice and violative of Articles 14,16 and 21 of the Constitution of India; and grant all consequential benefits by holding that the petitioner is entitled for appointment to the post of Lower Division clerk/Typist.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondents: MR.S.RAVINDRANATH, S.C. FOR APTRANSCO

The Court made the following:

COMMON ORDER:

All these Writ Petitions are disposed of by a common order, as the question involved in all the cases is one and the same.

2. All the Writ Petitions are questioning the notification of the results published on 12.3.2003 issued by the Chief General Manager (HRD) Andhra Pradesh Northern Power Distribution Company Limited, Warangal. In the notification it is stated as follows:

> *"As per the notification issued in the daily news paper publication on 15.11.2002 (Eenadu), interviews were held on 30.11.2002 at Nizamabad as per B.P.M.No. 36, dated 18.5.1997 read with T.O.O.Ms.No.137, dated 7.7.2000 for filling up of vacant posts of LDCs and Typists in Operation Circle Nizamabad by Ex-casual Labour, VEWs and contract labourers who have appeared for the interview.*

After holding the interview, thorough verification of necessary records/certificates obtained from the contractors vis-à-vis company records and circumstantial evidence it is declared that there are no successful candidates and thus the results of the interview held are -NIL-."

Chief GeneralManager (HRD)

APNPDCL/Warangal".

3. It is the common contention of the petitioners that all of them worked as contract labours executing various works of the respondents under the erstwhile Electricity Board. They have been working in the respondents Corporation as contract labours to attend various types of works as specified in the service certificates issued by the Contractors and countersigned by the officials of the electricity board. It is stated that pursuant to the judgment of this Court in W.P.No.5064 of 1999 and batch, dated 18.11.1999, the respondents have issued a paper notification on 15.11.2002 inviting applications from the eligible ex-casual labour/VEWs & Contract labour for filling up of left over vacancies of LDCs/Sub-Engineers/Typists etc. under 50% quota as per B.P.Ms.No.36, dated 18.5.1997.

4. Pursuant to the said notification, all the petitioners have submitted their applications accompanied by certificates issued by the contractors and countersigned by the officials of the respondents. The said applications were scrutinized with reference to the service certificates and the respondents-Board issued a paper notification publishing the list of the casual labour/VEWs and contract labours who have applied for the posts of L.D.Cs. and Typists and whose applications were found to be valid for the interview at the operation Circle Nizamabad on 30.11.2002. The candidates were requested to attend with all relevant certificates, such as service certificates, educational qualifications, date of birth certificates, community

certificates etc. for considering their cases for filling up of balance left over vacancies out of 50% vacancies earmarked for ex-casual labour/VEWs/contract labour as per B.P.Ms.No.36, dated 18.5.1997. Accordingly, all the petitioners have attended the interview and submitted the relevant documents. But, without scrutinizing their individual applications and without communicating the reasons for rejecting their applications, the aforesaid paper notification has been issued declaring that there are no successful candidates and thus the results of the interview held are “NIL”.

5. It is the case of the petitioners that they are qualified and entitled to absorption as per the aforesaid B.P.Ms.No.36, dated 18.5.1997 read with T.O.O.Ms.No.137, dated 7.7.2000. But the respondents, without any justification whatsoever, published “NIL” results in the daily newspaper. It is further stated that, in fact, the petitioners were selected provisionally, but the results were not communicated immediately to the petitioners and on the other hand, the results were declared as ‘nil’ in the newspaper without showing any reasons and therefore the action of the respondents is illegal, arbitrary and against the principles of natural justice.

6. The respondents have filed a counter stating that the selection of the candidates depends upon the performance shown in the interview, the certificates submitted by them, and fulfilling the conditions stipulated in B.P.Ms.No.36, dated 18.5.1997. There were certain allegations and adverse press reports about the genuineness of the certificates produced by the candidates and therefore, the certificates produced by the candidates were verified with reference to their genuineness etc. It is further stated that merely because the petitioners were called for interview, it cannot be assumed and presumed that the certificates produced by them at the time of interview are genuine. Mere submission of records would not qualify a person to be selected for employment. The certificates produced by

them were verified and found as not genuine. Though, in any of the counters, no specific reasons have been furnished for declaring the 'nil' results of the petitioners who were interviewed, the learned counsel appearing for the respondents produced various records showing that the service certificates produced by the petitioners were verified and some of the candidates were found that they were not working as on the relevant date of B.P.Ms.No.36, dated 18.5.1997 and some of the service certificates issued by the contractors and countersigned by the officials of the respondents were found bogus and some of the petitioners were disengaged before 18.5.1997 as the work was completed and some of the petitioners were engaged by the respective contractors only after 18.5.1997 and some of them are not qualified and in respect of some other agreements, the check measurements were not made and therefore, it cannot be said that the service certificates are genuine one. Admittedly, all these reasons have been neither mentioned in the counter nor communicated to the petitioners.

7. The proceedings of the Chief General Manager (HRD), A.P. Northern Distribution Power Limited, Warangal addressed to the Vigilance Officer, V & APTS, Warangal vide its letter No. CGM(HRL)/GM(S)/PO-IV/02-H1/02, dated 4.12.2002 disclose that in terms of the orders issued in T.O.O.(GM(IR)-Per) R.No.137, dated 7.7.2000, a notification for filling up of the balance left over vacancies in the initial cadre out of the 50% vacancies ear-marked for filling up of the same by the Ex-Casual Labours, V.E.Ws. and for the eligible candidates for the available vacancies has been issued and pursuant to the said notification, the applications received were scrutinized by the respective Superintending Engineers of their Circles and the eligible candidates, who fulfilled the conditions laid down for the above recruitment have been called for interviews on 30.11.2002, 2.12.2002 and 3.12.2002 respectively. Out of all the candidates interviewed, the names of the eligible candidates were short listed and communicated to the Vigilance Officer, V & APTS,

Warangal requesting to cause verification of the service certificates produced by them and certify the genuineness of the certificates issued by the contractors and also certify whether the contract labours have actually worked during the period mentioned in the service certificates as on the particular date i.e. 18.5.1997.

8. The learned Counsel appearing for the petitioners submitted that the names of all the petitioners were found in the said proceedings dated 4.12.2002 communicated to the Vigilance Officer and the reason for rejecting their candidature is not known to them as it was not communicated. The only criteria to verify the genuineness of the certificates is as to whether the certificates produced by the candidates from the contractors as countersigned by the officials of the respondents corporation are genuine or not, that is to say, whether the certificate is a forged one or created one or really it was issued by the contractors and countersigned by the officials of the respondents. To verify further genuineness of the certificates, it is always open for the officials of the respondents as to whether any such contract/agreement was entered into with the contractor or not is only the criteria. But, earlier, the respondents have rejected the applications of such petitioners on the ground that the contractor has not produced any documentary evidence with regard to working of the contract labours such as pay rolls, G.P.F. rolls, attendant sheets, attendance register etc. Such contention has been rejected by this Court in W.P.No.17163 of 2002 and batch dated 24.12.2002 holding that for the fault of the contractor in not maintaining the said registers, the contract labour cannot be punished or found fault with. In the said judgment, I have taken a view that such of those contract labours, who have produced the certificates issued by the contractors and countersigned by the respondents officials duly verifying the same with reference to the agreement under which the contract labour engaged as on 18.5.1997 are entitled to consideration even though the contractor has not produced the attendance register, pay rolls, G.P.F. rolls etc. Merely because the contractor has not produced the

said registers, it cannot be said that some of the petitioners have not worked as contract labour. It is for the respondents-Board to verify the certificates produced by the petitioners with reference to the agreements awarded to the contractors, which were verified and countersigned by the officials of the respondents. Therefore, the action of the respondents in simply rejecting the cases of the petitioners based on the vigilance Inspector's report on the ground that the contractor has not produced the aforesaid registers is unreasonable and unsustainable. Accordingly, the respondents are directed to verify the certificates issued by the contractor and countersigned by the officials of the respondents with reference to the agreements under which particular contract labours are engaged as on 18.5.1997 and consider their cases for appointment in accordance with B.P.Ms.No.36, dated 18.5.1997. The said judgment has become final, as the respondents-Corporation have not chosen to question the said judgment. Following the said judgment, this Court disposed of several writ petitions in terms thereof.

9. There is no dispute with regard to the settled legal position that the casual labours, V.E.Ws. and other eligible casual employees i.e. junior linemen are entitled to be regularized in terms of Board's Proceedings in B.P.Ms.No.36, dated 18.5.1997 whoever is on the rolls as on 18.5.1997. As regards the age is concerned, the eligible age shall be reckoned as per the Board's Service Regulations in force at the time of their first engagement. Before regularizing the service of the employees, the respondents are bound to follow the eligibility conditions laid down in its proceedings dated 18.5.1997 and 31.12.1997. The benefit of regularization, which was conferred on the employees solely depends upon the eligibility of conditions including the age limit prescribed under the statutory regulations. The statutory regulations provide that there shall be no relaxation of the age. In cases, where the Board has committed mistake in engaging under age or over age casual employees or has permitted the contractors

to do so, would not confer any right on such employees for being regularized on the basis of B.P.Ms.No.36, dated 18.5.1997. In all these Writ Petitions, the cases of the petitioners were not rejected either on the ground of over age or under age or for not possessing the requisite qualifications. Absolutely, no reasons have been furnished to the petitioners. Even the records produced by the Standing Counsel for the respondents reveals that on verification of the service certificates, it was found that in respect of some of the agreements, check measurements were not made and the work was commenced either after 18.5.1997 or completed before 18.5.1997. In some of the cases, it was also found that the certificates produced by the candidates were genuine. Merely because the concerned officials of the respondents have not made the check measurements, it cannot be said that the contract labour engaged by the contractors was not on rolls as on 18.5.1997. The check measurements are being made periodically as and when particular work has been completed for the purpose of payment of money to the contractor. Therefore, the only criteria in deciding the genuineness of the cases of the petitioners as to whether they worked as on 18.5.1997 or not, will be only on verification of the service certificates issued by the contractor and countersigned by the officials of the respondents with reference to the agreements entered into with the contractor. However, the principles of natural justice require the communication of the reasons rejecting the cases of the petitioners for their absorption in the posts of L.D.Cs./Typists etc. The communication of 'nil' results in a newspaper is arbitrary, unreasonable, unjust and unsustainable.

10. For the aforesaid reasons, I set aside the said declaration declaring that there are no successful candidates and the results of the interviews held are 'nil'. Accordingly, the Writ Petitions are allowed directing the respondents to consider the cases of the petitioners in the light of the aforesaid observations for their absorption pursuant to the orders in B.P.Ms.No.36, dated 18.5.1997. If any of the petitioners

are not found eligible or qualified, communicate the reasons individually to the petitioners within Eight Weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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V. ESWARAIAH,J

Dated: 28-10-2004,

ccm

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Devinder Gupta, the Chief Justice on this the Twenty Eighth day of October, Two Thousand and Four.

ASSISTANT REGISTRAR

To

1. The Chairman-Managing Director, A.P.Transco,
   Vidyut Soudha Somajiguda, Hyderabad.
2. The Chief Engineer, Electricity, A.P.Transco
   Nizamabad Zone Nizamabad.
3. The Superintendent Engineer (Operation Circle)
A.P.Transco Adilabad
4. The Divisional Engineer Electrical (O & C), A.P.Transco
   Mancherial,Adilabad Dist.
5. The Asst.Accounts Officer,Electrical Revenue Offcier
A.P.Transco Mancherial Adilabad Dist.

6. The Chief General Manager, (HRD),
Northern Power Distribution Company
   A.P. Ltd., Warangal

7. The Chairman & Managing Director, Northern

Power Distribution Company of A.P., Limited

Warangal.

8. The Chairman and Managing Director,

Northern Power Distribution Ltd. Khairatabad, Hyderabad.

9. The Superintending Engineer, Operation Circle,Nizamabad.

10. The Asst.Divisional Engineer, T.R.E. (T.R.S.)

Division,Nizamabad.

11. 2 CD copies.